

Approved: June 3, 2015
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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
May 6, 2015

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, May 6, 2015, at 7:05 p.m. in Room A of the Ipswich Town Hall. Members present were Chairman Jennifer Hughes, Vice-Chair Sissy Ffolliott, Commissioners David Standley, Brian O'Neill, and Catherine Carney-Feldman. Also present was Agent Alicia Geilen and Recording Secretary Cathy Miaskiewicz. Absent with prior notice were Commissioners William McDavitt, Michele Hunton and Associate Commissioner Raymond Putnam.

DEFINITION INDEX:

BVW - Bordering Vegetative Wetland

COC – Certificate of Compliance

CR – Conservation Restriction

DEP - Department of Environmental Protection

EO – Enforcement Order

ICC – Ipswich Conservation Commission

NOI – Notice of Intent

NDZ – No-Disturbance Zone

O & M Plan – Operations and Maintenance Plan: An O&M plan is an indication that a facility is in continued compliance with applicable regulations and permit conditions

OOC – Order of Conditions

ORAD – Order of Resource Area Delineation

RDA – Request for Determination of Applicability (*below is a list of possible outcomes for RDAs*)

Negative #2 Determination– This is an approval for work in resource areas

Negative #3 Determination– This is an approval for work in buffer zones

Negative #5 Determination – This is approval for work that meets the requirements of an exception under the WPA

Negative #6 Determination– This is an approval for work under the Ipswich Wetland Protection Bylaw

Positive Determination – This is a denial requiring an NOI to be filed should the applicant wish to pursue

RPA - Riverfront Protection Act

WPA – Massachusetts Wetlands Protection Act (310 CMR 10.00 *et seq.*)

Citizen's Queries:

None

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Ongoing Matters Being Continued to FUTURE Sessions:

MATTER: 36-1248: Keolis Commuter Services, LLC for work at Rear Topsfield Road shown on Tax Map 53B 044 0 for a NOTICE OF INTENT to maintaining and repairing two pipes, installing headwall, adding inlet protection device, grading and plantings, removal of apparent soil pipes and O&M plan approval in jurisdictional areas.
DISCUSSION: There was no one present for this matter. Agent Geilen stated that the applicant had made a request for continuance to June 3, 2015 to have time to meet with her to go over their submittal before presenting it to the Commission.
RECOMMENDATION OF AGENT: <i>To continue to June 3, 2015.</i>
MOTION: <ul style="list-style-type: none"> ♦ A motion was made by Vice-Chair ffolliott to continue to June 3, 2015. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>None</i>
DOCUMENT LIST: <i>None</i>

Ongoing Matters for THIS Sessions:

MATTER: 36-1246: Ralph Williams, Trustee of The Williams Family Realty Trust for work at 9 Nags Head Road shown on Tax Map 12 & Lot 7A for a NOTICE OF INTENT to construct an indoor riding arena in jurisdictional areas.
DISCUSSION: Present were Isaac Rowe, representing Ralph Williams. Mr. Rowe stated that the project received final comments in an approval letter from the stormwater peer reviewer. Mr. Rowe said that plans had been revised to show that the A series was connected by a pipe to the B series. Agent Geilen stated that she could only recommended approval of the A series wetland line, as the B-Series line did not have sufficient vegetation present, and soils were still partially frozen.
RECOMMENDATION OF AGENT: <i>To close the public hearing and issue a Positive OOC with Standard Special Conditions.</i>
MOTION: <ul style="list-style-type: none"> ♦ A motion was made by Vice-Chair ffolliott to close the public hearing. The motion was seconded by Commissioner Carney-Feldman and passed unanimously. ♦ A motion was made by Commissioner Standley to issue a Positive OOC with Standard Special Conditions. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <ul style="list-style-type: none"> ❖ <i>None</i>
DOCUMENT LIST: <i>Revised Site Plan Review dated 4/3/15 and Revised Hydrologic Analysis Report dated April 2015 both prepared by Mill River Consulting.</i>

New Public Hearings: Requests for Determination of Applicability:

MATTER: US Fish and Wildlife Service for work at West of Town Farm Road shown on Tax Map: 13, Lots: 016, 025, 013, 014, 012, 015 and Tax Map: 21 Lot: 040A for a REQUEST FOR DETERMINATION OF
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APPLICABILITY for Invasive Species Control (Perennial Pepperweed) in jurisdictional areas.
<p>DISCUSSION: Present were Frank Drauszewski, with US Fish and Wildlife Service (USFWS) and manager of the Parker River National Wildlife Refuge. Also present was Frances Rodriguez from USFWS and Liz Duff from the National Audubon Society. Mr. Drauszewski spoke about the pepperweed problem. Commissioner Standley felt the Commission needs to issue a Positive Determination, because the alteration of a resource area requires review under an NOI. Chairman Hughes stated that Mr. Drauszewski could continue with his presentation because the Commission was not in full agreement. Mr. Drauszewski discussed using a light-impact, motorized vehicle called a Rokon, which would haul personnel and pesticides to the pepperweed sites. Others have used this type of equipment for many years and no adverse impacts have been reported. Commissioner Carney-Feldman referred to the map and asked how they would go back and forth. Mr. Drauszewski stated it would only take one day if they used the Rokon. They would enter and exit in the same basic area. Ms. Duff stated that the Rokon would just get the people and equipment out to the general area, and then they would walk to spray the areas. Commissioner Standley clarified that he was concerned with the procedure of the RDA only. He stated he was not against the project, just the procedural approach. He was also concerned with the other species, that native plants may be impacted. Mr. Drauszewski stated that they try to be careful with that. Ms. Rodriguez stated they could restrict the time of year that they go out. She also stated that herbicides don't impact pollinators. Discussion of Rules and Regulations. Ms. Duff stated they USFWS already has permission under a NDA to spray for pepperweed until 2017, and that this RDA was only for use of the Rokon. Chairman Hughes confirmed that they were only asking for approval for use of the Rokon. Waivers were formally requested.</p>
<p>RECOMMENDATION OF AGENT: <i>To issue a Negative Determination #2 and #6</i></p>
<p>MOTION:</p> <ul style="list-style-type: none"> ◆ A motion was made by Commissioner Carney-Feldman to waive formal delineation. The motion was seconded by Commissioner O'Neill and passed unanimously. ◆ A motion was made by Commissioner Carney-Feldman to waive the fees. The motion was not seconded. The motion was not approved. ◆ A motion was made by Commissioner Carney-Feldman to issue a Negative Determination #2 and #6. The motion was seconded by Commissioner Standley and passed unanimously.
<p>ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ None</p>
<p>DOCUMENT LIST: Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Plan entitled "Perennial Pepperweed in Ipswich, MA" prepared by Mass Audubon, photos of Rokon equipment, permission letter to control pepperweed and phragmites on multi-town properties dated 4/17/15 and prepared by Mass Audubon. Waiver requests for formal eng. plan, formal delineation and application fee.</p>
<p>MATTER: US Fish and Wildlife Service for work at Labor in Vain Creek (Tax Maps: 42B, 42D, 42D, 55, 55 & 44 Lots: 016G F 0, 018, 0, 018 BO, 023, 0, 027 0, 009 0), Fox Creek (Tax Map: 44 Lot: 009 0), Town Farm Road (Tax Map: 13 Lot: 028, 0) and RR Bed (Tax Map: 13 Lots: 012, 07, 025 0), for a REQUEST FOR DETERMINATION OF APPLICABILITY for Invasive Species Control (Phragmites) in jurisdictional areas.</p>
<p>DISCUSSION: Present were Frank Drauszewski, USFWS, and manager of Parker River National Wildlife Refuge. Also present was Frances Rodriguez from USFWS and Liz Duff from the National Audubon Society. Commissioner Standley had the same objection as to the previous matter. He stated that his objection to approving applying herbicides to control invasive plants in wetlands under an RDA; it should be reviewed under an NOI. Ms. Duff asked why they were objecting. Commissioner Standley explained that in his view pursuant to 310 CMR 10.02(2)a (regarding "altering" a resource area) and 10.04 ("Activity" includes the destruction of plant life; "Alter</p>

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(c)” means the destruction of plant life), the Commission must issue a Positive Determination in the resource area within the definition of the Wetlands Protection Act regulations. Chairman Hughes stated that she believed that this work could be approved under an RDA. [Discussion about RDA versus NOI filings.]
RECOMMENDATION OF AGENT: <i>Issue a Negative DA #2 and 6.</i>
MOTION: ♦ A motion was made by Commissioner Standley to issue a Positive Determination #1, #3 and #5. The motion was seconded by Commissioner Carney-Feldman. The motion passed with a 3 to 2 vote.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ None
DOCUMENT LIST: <i>Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Plans entitled "Town of Ipswich Phragmites Mapping", "LIV Creek Phragmites", "Near RR Bed and Downstream TFR" and "Fox Creek" prepared by Mass Audubon. Waiver requests for formal eng. plan, formal delineation and application fee.</i>

MATTER: Nicholas Steenhaut for work at 66 Town Farm Road shown on Tax Map 21, Lot 047A for a REQUEST FOR DETERMINATION OF APPLICABILITY to raise pigs, sheep, goats and chickens in jurisdictional areas.
<p>DISCUSSION: Present was Nicholas Steenhaut, owner of the property, which was formerly used as horse pasture. Mr. Steenhaut would like to raise grass-fed animals, including sheep, goats, chicken and hogs. To keep his pig pasture in good condition, he proposes rotational grazing in five pastures, plus one paddock for winter and bad weather. He proposes establishing a 40’ no-disturbance/no-build area between his pastures and the wetlands, using movable electric fencing. Mr. Steenhaut would like to be able to mow the No Disturbance/No Build area once a year to keep woody plants out. Commissioner Standley stated that an RDA was inappropriate. Commissioner Standley read from a letter he wrote (See Document List). The concern is that free range pigs could adversely impact the wetlands if they got loose. He felt the appropriate procedure was to issue a Positive OOC and then have the applicant file for an NOI.</p> <p>The question of “change in use” was discussed. As this is an intended commercial use, this is a change of use. Once the status is changed, the 50’ No-disturbance Zone was required, but a waiver could be granted for work within that area if mitigation was provided. This would be done under an OOC. Mr. Steenhaut spoke about nutrient loading and pig manure concerns. He stated that he was removing the manure from the main paddock, so the percentage will be lower. Mr. Steenhaut asked about the change of use term and looked at it as how the resource is used. It is not being used differently.</p> <p>The Agricultural exemptions under the WPA were discussed. Commissioner Standley stated that the superior court determined that the test for commercial agriculture was defined as effort undertaken to make a profit and which makes a profit. Mr. Steenhaut is not looking to use those exemptions, and is willing to give that up to have his homestead used appropriately.</p> <p>Chairman Hughes stated that the Commission cannot condition the RDA but they could with an NOI. Vice-Chair ffolliott was concerned with pigs vs. horses, what they eat, and the type of manure produced. She asked if Mr. Steenhaut would have shaded areas, and a place to isolate sick animals. He said he does. Chairman Hughes stated the only way to memorialize what is approved is through an NOI. Commissioner Standley stated Mr. Steenhaut is very prepared and has done thorough research and they are impressed, but under the policy, this is a change in use and they cannot deal with it under a Negative RDA and cannot ignore that it may become a commercial agricultural property. Chairman Hughes stated that the \$50 fee for the RDA could go toward the NOI local fee. Agent Geilen stated she could work with Mr. Steenhaut going forward.</p>
RECOMMENDATION OF AGENT: <i>To issue a Positive Determination #4 and #5.</i>
MOTION: ♦ A motion was made by Vice-Chair ffolliott to issue a Positive Determination #4 and #5. The

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motion was seconded by Commissioner Standley and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ <i>None</i>
DOCUMENT LIST: <i>Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Plan entitled "Fig 2 Site Plan" dated 4/7/15, project narrative prepared by Nicholas Steenhaut.</i>

MATTER: Cuvilly Arts & Earth Center for work at 10 Jeffreys Neck Road shown on Tax Map 31B, Lot 001 for a REQUEST FOR DETERMINATION OF APPLICABILITY to construct a seasonal shed, repair, reconstruct and expand plastic greenhouse, tree limb trimming, replace existing underground water line and prospect for and install irrigation well, including underground power in jurisdictional areas.
DISCUSSION: Present was Wayne Castonguay of Ipswich River Watershed Association. He submitted plans to the Commission. He addressed the outstanding matters. Mr. Castonguay stated that there was no COC, because the project was never undertaken and they asked for it to be withdrawn. They had agreed to remove the bark hut ("Nushwetuu"). Mr. Castonguay requested a waiver for wetland delineation. They did additional research and it was approved in 2004. This particular wetland line had not moved because it was a man-made ditch. Mr. Castonguay stated that he was proposing four activities in the BZ. The first was to construct a seasonal shed on an existing slab. They want to support the overhang away from the wetland to keep the vegetables out of sunlight. Commissioner Carney-Feldman asked about the existing concrete slab, because part of it was within the NBZ. Mr. Castonguay stated that adding the structure should not change the existing conditions. Commissioner Standley stated that the overhang will extend over the paved area. Mr. Castonguay stated the paved area was never constructed, it was a dirt area. The second activity was to repair the existing greenhouse on the existing footprint extending it 20 feet. The third activity was for the willow trees and they would like to trim them by cutting them by hand to prevent damage to the greenhouse. The fourth activity was to have the water line service the seasonal shed as well as the greenhouse. The fifth activity was the prospect of an irrigation well. They are withdrawing the installation of that and are proposing a shallow well. They would need to do some sampling. The new plan shows those prospect areas. They would use small track machines to search for the best area. They think this could be determined with 1 to 4 holes. The town delineated their wetland and has been in agricultural use for decades. Commissioner Standley questioned exemption as agricultural activity. Change in use was allowed without expansion. He said the well drilling would be exempt. Mr. Castonguay stated their goal is to use the very best practices for the environment and minimal impact. Commissioner Standley asked for documentation of the existence of "commercial agriculture", as Cuvilly is a non-profit organization. Chairman Hughes was concerned for the temporary structure. Mr. Castonguay stated it was a permanent structure, but only used seasonably. Commissioner Carney-Feldman asked about when they took down the old white house. She questioned if the Commission thought the concrete pad was to be taken down then and questioned if there would be something in the records. Commissioner Standley questioned if they should put this matter on hold until they can determine the original order for the concrete slab. Mr. Castonguay stated that they did have plans for memorialization. They plan to have rain barrels for the run-off for the slab.
RECOMMENDATION OF AGENT: <i>To continue to May 20, 2015 for receipt of proper plans and a request for a COC for 36-685.</i>
MOTION: <p>♦ A motion was made by Commissioner Standley to grant the request for a waiver. The motion was seconded by Commissioner O'Neill and passed unanimously.</p> <p>♦ A motion was made by Vice-Chair ffolliott to continue to May 20, 2015. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>

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ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ None

DOCUMENT LIST:

Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Plan (not titled or dated)

MATTER: David Davis for work at **55 River Road** shown on **Tax Map 24C, Lot 069 005** for a **REQUEST FOR DETERMINATION OF APPLICABILITY** for interior basement foundation repair in jurisdictional areas.

DISCUSSION: Present was David Davis. He stated that all the work was being done inside the basement but that he will have to remove materials in and out of the basement. Agent Geilen thought there would be excavation on the outside. Mr. Davis stated there would be about a 2-3 foot excavation to get in, but when he was done, it would all be put back.

RECOMMENDATION OF AGENT:

To issue an Negative Determination #5 and #6.

MOTION:

♦ A motion was made by Vice-Chair ffolliott to issue a Negative Determination #5 and #6. The motion was seconded by Commissioner Standley and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ None

DOCUMENT LIST:

Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Plan entitled "Beach Easement Plan, The Condominium at Little Neck" dated 3/30/12 and prepared by Donohoe and Parkhurst (labeled as "Page 1, aerial view"), Plan entitled "Beach Easement Plan, The Condominium at Little Neck sheet 31 of 83" dated 3/30/12, and prepared by Donohoe and Parkhurst (labeled as "2") and Plan entitled "Sketch Plan for Basement Repair" dated 4/17/15.

MATTER: Jan & Thomas Burgess for work at **82 Central Street** shown on **Tax Map 41B, Lot 262** for a **REQUEST FOR DETERMINATION OF APPLICABILITY** to repair and replace front steps and rebuild porch in similar footprint in jurisdictional areas.

DISCUSSION: Present was Tom Burgess, property owner. He would like to replace the porch on the existing footprint using sonotubes. The porch is on the front side of the house. Commissioner Carney-Feldman wanted to clarify the similar footprint or exact. Mr. Burgess stated it would be slightly smaller. Agent Geilen stated that fencing would be recommended near the wetland line in the back yard for safety reasons. Chairman Hughes stated 10 feet from the wetland was reasonable. Commissioner Standley asked if they should waive the requirement for a 6 inch bottom clearance. Agent Geilen stated that yes, this should be waived as it is unlikely to impact wildlife, since there is a vertical drop of 3' to the stream. Mr. Burgess asked about the existing stockade fence on the side property lines, and if they could be repaired. Chairman Hughes stated that repairing in-kind would not be a problem.

RECOMMENDATION OF AGENT:

To issue a Negative Determination #5 and #6 with Special Conditions that the area behind the fence be allowed to revegetate, as a No-Disturbance Zone.

MOTION:

♦ A motion was made by Commissioner Carney-Feldman to issue a Negative Determination #5 and #6. The motion was seconded by Commissioner O'Neill and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ None

DOCUMENT LIST:

Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Plan

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entitled "Wetland Sketch, 82 Central Street" dated 4/14/15 and Plan entitled: "82 Central Street, Proposed Replacement Porch" dated 4/14/15.

MATTER: Rosemary O'Malley for work at **435 Linebrook Road** shown on **Tax Map 37C, Lot 29** for a **REQUEST FOR DETERMINATION OF APPLICABILITY** for soil testing in jurisdictional areas.

DISCUSSION: Present was Chuck Johnson representing Rosemary O'Malley. Ms. O'Malley is the owner's sister. The property was being prepared to be sold. Mr. Johnson showed a slide of a proposed soil testing site sketch (exhibit D) for septic design. Chairman Hughes discussed the off-site wetlands and that the BZ must be shown when the applicant returns for the septic installation.

RECOMMENDATION OF AGENT:

To issue an Negative Determination #5 and #6 with Special Conditions that all disturbed areas be reseeded.

MOTION:

♦ **A motion was made by Commissioner Standley to issue a Negative Determination #5 and #6. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

DOCUMENT LIST:

Packet prepared by C.G. Johnson Engineering Inc. including: Mandatory pre-filing checklist, WPA Form 1 Request for Determination of Applicability Form, Legal Ad, Locus Map, Plan entitled "Proposed Soil Testing Site Sketch" dated 4/22/15 and prepared by C.G. Johnson Engineering, Inc.

New Public Hearings/Notice of Intent and Formal Amendments:

MATTER: 36:1256: Paul Lawrence for work at **11 Quay Road** shown on **Tax Map: 15B Lot: 30** for a **NOTICE OF INTENT** for **septic system repair and parking area improvements** in jurisdictional areas.

DISCUSSION: Present was Larry Graham of H. L. Graham Associates. Mr. Graham gave a review of the proposed septic system, which the Board of Health had approved. Agent Geilen stated that the applicant filed for a building permit for a deck in the NBZ, which was denied as it was with the Commission's jurisdiction. The Commission strongly suggested that he reconsider. Agent Geilen stated there was a waiver request for NBZ for a septic tank and NDZ for a septic line.

RECOMMENDATION OF AGENT:

To close the public hearing and issue a Positive Order of Conditions.

MOTION:

♦ **A motion was made by Commissioner Carney-Feldman to approve the requested waivers. The motion was seconded by Vice-Chair ffolliott and passed unanimously.**

♦ **A motion was made by Vice-Chair ffolliott to close the public hearing and issue a Positive Order of Conditions. The motion was seconded by Commissioner Standley and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *None*

DOCUMENT LIST:

Mandatory Pre-filing Checklist, WPA Form 3 Notice of Intent Application, NOI Wetland Fee Transmittal Form, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Plan entitled "Subsurface Sewage Disposal System Repair Plan" dated 2/20/15 and prepared by Graham Associates, Inc., Legal Ad and Locus Map, Notification of Abutters, Abutters List, Affidavit of Service

Note: At this point, Commissioner Standley excused himself from the meeting.

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Other Business:

MATTER: 36-1185: Extension Request for 21 Greens Point Road f/k/a 23 Greens Point Road - Beaudet
DISCUSSION: Present was Peter Pommersheim from Meridian Associates and stated the applicant was requesting an extension for 3 years. The Commission asked how close to completion the project was. Agent Geilen stated that the septic system was installed under a separate OOC, which is on the evening's agenda for a COC, and that it appears that all other exterior work except landscaping had been completed. She recommended that the applicant use this growing season to complete that work, and recommended that the Commission only extend the OOC for 1 year.
RECOMMENDATION OF AGENT: <i>To extend for 1 year.</i>
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to approve an extension for 1 year. The motion was seconded by Vice-Chair ffolliott and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None</i></p>
DOCUMENT LIST: <i>Extension request letter dated 3/16/15 and prepared by Meridian Associates, Inc., Wetlands Protection By-law Filing Fee Calculation Worksheet</i>
MATTER: 36-1034: Extension Request for ECTA Town wide Trails maintenance
DISCUSSION: Present were Mike DeRosa from DeRosa Environmental Consulting, Inc. and Carol Lloyd from Essex County Trail Association. They requested an extension of the approval for town-wide maintenance of trails under their care, using the approved maintenance plan. Chairman Hughes stated that the Commission would unlikely extend the OOC again, as they wanted the Maintenance Plan to be reviewed and updated as needed.
RECOMMENDATION OF AGENT: <i>To approve the 3 year extension request.</i>
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to approve the 3 year extension request. The motion was seconded by Vice-Chair ffolliott and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None</i></p>
DOCUMENT LIST: <i>Extension request</i>
MATTER: 36-1244: Minor Modification Request for Wolf Hollow - 114 Essex Road
DISCUSSION: Present were Zee Soffron and Anthony Hurrell requesting two minor modifications to the OOC. They presented a map showing proposed monumentation of the No-Disturbance Zone (NDZ). The modification is needed because a strict 25' NDZ place portions of the existing parking lot in the NDZ. The proponents also requested approval of their choice of granite posts (2), cedar posts, and boulders. They requested guidance on the size of boulders. Chairman Hughes stated that boulders used to replace granite posts must be large enough that they cannot be moved by hand. The second modification requested was for approval to change from sonotube footings to a solid foundation for the new Visitors' Center, which is needed for structural reasons related to a commercial building vs. residential building. Chairman Hughes asked about stockpiling of soil. The proponents stated that all excavated materials would be placed directly into trucks/trailers for off-site disposal, so there would be no soil

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stockpiling. Finally the proponents requested an extension of the Enforcement Order deadline for completion of all restoration work from July 1, 2015 to November 1, 2015.
RECOMMENDATION OF AGENT: <i>To approve minor modification and extension as requested.</i>
MOTION: <p>♦ A motion was made by Commissioner Carney-Feldman to approve the extension. The motion was seconded by Commissioner O'Neill and passed unanimously.</p> <p>♦ A motion was made by Vice-Chair ffollott to approve the minor modifications. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None</i>
DOCUMENT LIST: <i>Request for Minor Modification Letter dated 4/24/15 and prepared by Anthony Hurrell, Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Plans entitled, "No-Disturb Zone Monument Plan" dated April 2015 and "Overall Site Plan" dated December 2015 both prepared by Pare Corporation.</i>

This matter was taken out of order:

MATTER: Emergency Certification, Heartbreak Road, DPW, repair/replace collapsed culvert causing flooding.
DISCUSSION: There was no one present for this matter. Agent Geilen stated that the road had been under water from the damaged culvert. Chairman Hughes stated that this is a perennial stream so the new DEP Stream Crossing Standards must be met. The new regulations do not allow for in-kind replacement of culverts. The town must file an NOI for the replacement.
RECOMMENDATION OF AGENT:
MOTION: <p>♦ No motion. Emergency Certification not confirmed.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None</i>
DOCUMENT LIST: <i>None</i>

Requests for Certificates of Compliance:

MATTER: 36-419: 4 Nuthatch Road, Wallis, for demolition and re-construction of a single family house request for continuance to 5/20/2015
DISCUSSION: There was no one present for the matter.
RECOMMENDATION OF AGENT: <i>To continue to May 20, 2015</i>
MOTION: <p>♦ A motion was made by Commissioner Carney-Feldman to continue to May 20, 2015. The motion was seconded by Commissioner O'Neill and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p>❖ <i>None</i></p>
DOCUMENT LIST:

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<i>None</i>
MATTER: 36-484: 4 Nuthatch Road, Wallis, for construction of steps to the beach <i>request for continuance to 5/20/2015</i>
DISCUSSION: There was no one present for the matter.
RECOMMENDATION OF AGENT: <i>To continue to May 20, 2015</i>
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to continue to May 20, 2015. The motion was seconded by Commissioner O'Neill and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None</i></p>
DOCUMENT LIST: <i>None</i>

This matter was taken out of order.

MATTER: 36-875: 21 Greens Point Road f/k/a 23 Greens Point Road
DISCUSSION: Present was Peter Pommersheim from Meridian Associates. Mr. Pommersheim stated that the septic had been installed in accordance with the OOC. Agent Geilen confirmed this, based on her review of the as-built plans and her site visit.
RECOMMENDATION OF AGENT: <i>To issue a full and final COC.</i>
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to issue a full and final COC. The motion was seconded by Commissioner O'Neill and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None</i></p>
DOCUMENT LIST: <i>COC request, As-built plan entitled "Record Conditions Plan of Land" dated 12/27/07 and letter of substantial compliance dated 3/16/15 both prepared by Meridian Associates, Inc. and Wetlands Protection By-law Filing Fee Calculation Worksheet.</i>

MATTER: 36-424: 17 Bayview Road, William M. Hughes Trust
DISCUSSION: There was no one present for this matter.
RECOMMENDATION OF AGENT: <i>To continue to June 17, 2015.</i>
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to continue to June 17, 2015. The motion was seconded by Commissioner O'Neill and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None</i></p>
DOCUMENT LIST: <i>None</i>

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MATTER: 36-836: Marsh Hundreds, Marine Biological Laboratory (Linda Deegan)
DISCUSSION: There was no one present for the matter.
RECOMMENDATION OF AGENT: <i>To issue a full and final COC.</i>
MOTION: <p style="text-align: center;">♦ A motion was made by Vice-Chair ffolliott to issue a full and final COC. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None</i></p>
DOCUMENT LIST: <i>COC request</i>

This matter was taken out of order:

MATTER: 36-813: 110 County Road, YMCA
DISCUSSION: Present were Peter Pommersheim from Meridian Associates, Mike DeRosa from DeRosa Environmental Consulting, Inc. and Gerry Beauchamp director of the Ipswich YMCA. The applicant was requesting a COC. The OOC was for a parking lot with curbing to manage stormwater. The project constructed was a basketball court without curbing, but smaller in size. As part of the new NOI (DEP File #36-1255). Mr. Pommersheim stated that stormwater runoff from this area would be captured and treated in the new stormwater management system.
RECOMMENDATION OF AGENT: <i>To issue a Full and Final COC.</i>
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to issue a Full and Final COC. The motion was seconded by Vice-Chair ffolliott and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None</i></p>
DOCUMENT LIST: <i>COC request, As-built plan entitled "Record Conditions Plan" dated 4/21/15 and letter of substantial compliance both prepared by Meridian Associates, Inc.</i>

MATTER: 36-793: 110 County Road, YMCA
DISCUSSION: Present were Peter Pommersheim from Meridian Associates, Mike DeRosa from DeRosa Environmental Consulting, Inc. and Gerry Beauchamp director of the Ipswich YMCA. Mr. Pommersheim discussed the plan, which showed several areas of unpermitted activities. Some of these activities are located in the mandatory subzones. Some activities may have been outside of the Commission's jurisdiction when constructed, but the wetland line has moved significantly upland in the past 10 years due to beaver activity. The proponents will be prepare and submit a mitigation plan which will provide for relocation of structures in the mandatory subzones, as well as request after the fact approval activities in the Commission's jurisdiction. Commissioner Carney-Feldman asked who should have known about these activities. Mr. Beauchamp stated it was him and that he takes full responsibility for the unpermitted work. Mr. DeRosa stated they should have a full mitigation plan for the next meeting. Agent Geilen stated they could use this as a teaching opportunity for the kids about the importance of wetlands. Chairman Hughes stated they would have fees as a result. Agent Geilen noted that after-the-fact approval of the activities in the eight areas noted would total \$1,200.00, which the YMCA was willing to pay.

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RECOMMENDATION OF AGENT: <i>To continue to May 20, 2015</i>
MOTION: <p style="text-align: center;">♦ A motion was made by Vice-Chair ffolliott to continue to May 20, 2015. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None</i></p>
DOCUMENT LIST: <i>COC request, As-built plan entitled "Record Conditions Plan" dated 4/28/15 and letter of substantial compliance both prepared by Meridian Associates, Inc.</i>

Enforcement Actions:

MATTER: 36-1139: 46 Labor in Vain Road, Sears, enforcement update
DISCUSSION: Present was Mike DeRosa of DeRosa Environmental. Mr. DeRosa stated that he had been retained to bring the site back into compliance. He noted that a revised restoration plan is coming. The Commission agreed to end the fees as of May 6, 2015, and continue the matter to the June 3, 2015 meeting with a restoration plan due by May 27, 2015. If the plan is not received by that date, fines will recommence, and be retroactively applied to May 7, 2015.
RECOMMENDATION OF AGENT: <i>Continue to June 3, 2015.</i>
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to cease issuing fines if a restoration plan is received before the June 3, 2015 meeting, if not, fees will be retroactive to May 7, 2015. The motion was seconded by Vice-Chair ffolliott and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None</i>
DOCUMENT LIST: <i>None</i>

MATTER: 27 Turkey Shore Road, Parker, Return to compliance letter recommended by Agent
DISCUSSION: There was no one present for the matter. Agent Geilen stated that all required work was done.
RECOMMENDATION OF AGENT: <i>Life the EO.</i>
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to lift the EO. The motion was seconded by Vice-Chair ffolliott and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None</i>
DOCUMENT LIST: <i>None</i>

MATTER: 9 Colby Road, Porter, Confirmation of EO for unauthorized grading and filling in wetland
DISCUSSION: There was no one present for this matter. Agent Geilen stated that fines may need to be issued based on fill going on for years, per the historic aerial photos. She suggested waiting to see how they respond after a

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letter has been sent.
RECOMMENDATION OF AGENT: <i>None</i>
MOTION: ♦ A motion was made by Vice-Chair ffolliott to confirm the EO. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None</i>
DOCUMENT LIST: <i>Enforcement Order</i>

MATTER: 28 North Ridge Road, Russell, Confirmation of EO for unauthorized grading and a retaining wall on Coastal Bank.
DISCUSSION: There was no one present for this matter. Agent Geilen stated that the homeowner, concerned about the stability of the top of Coastal Bank, had constructed a retaining wall over the top of Coastal Bank. She intended to backfill the area and plant native plants. The area immediately surrounding the retaining wall had been disturbed (herbaceous vegetation removed). Agent Geilen showed photographs of the area. Chairman Hughes stated that the structure was not allowable under the regulations and must be removed. She further stated that a wetland scientist or engineer must delineate the former top of Coastal Bank. Restoration is also needed.
RECOMMENDATION OF AGENT: <i>To issue a revised EO that included all of the Commission's concerns..</i>
MOTION: ♦ A motion was made by Vice-Chair ffolliott to issue the EO as revised. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None</i>
DOCUMENT LIST: <i>Enforcement Order</i>

MATTER: 14 Drumlin Road, Meadowview Farm Owner's Association, Confirmation of EO for unauthorized filling in wetland.
DISCUSSION: There was no one present for this matter. Agent Geilen stated that, during a monitoring trip of the Conservation Restriction area in the subdivision, Beth O'Conner (Ipswich Open Space Administrator) had discovered a large area of piles of yard debris in/near the wetlands. She alerted Agent Geilen, and made arrangements to meet with the Meadowview Farm Owner's Association. Agent Geilen and Ms. O'Conner met with the Owner's Association and agreed to remove the fill by hand and educate residents regarding unauthorized fill. Agent Geilen said that she would create a guidance document to help in this education effort.
RECOMMENDATION OF AGENT: <i>Confirm the EO.</i>
MOTION: ♦ A motion was made by Commissioner Carney-Feldman to confirm the EO. The motion was seconded by Commissioner O'Neill and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: <i>None</i>
DOCUMENT LIST: <i>Enforcement Order</i>

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Discussion Items:

Interim Reports of Special Project Subcommittees

None

Approval of Minutes: 4/15/15

♦ A motion was made by Commissioner Carney-Feldman to approve the minutes for April 15, 2015. The motion was seconded by Vice-Chair ffolliott and passed unanimously.

Document Signage: (No Vote Required)

*36-947: 206 High Street, COC approved on 12/19/2007, but never prepared or signed.

*36-1249: 32 North Ridge Road, inadvertently not signed at last hearing.

Adjournment:

♦ A motion was made by Commissioner Carney-Feldman to adjourn at 9:50 p.m. The motion was seconded by Vice-Chair ffolliott and passed unanimously.

Respectfully submitted,



Cathy Miaskiewicz
Recording Secretary

These minutes are the summary of a taped meeting and of secretarial notes. As such, the Ipswich Conservation Commission reserves the right to supplement these minutes with tapes and vice versa, to reflect the proceedings. The Ipswich Conservation Commission does not guarantee the quality of the tapes, nor does it exclusively rely upon them.